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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/518,192

12/12/2005

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37288

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116 7590 06/14/2007  
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EXAMINER

ALAM, FAYYAZ

ART UNIT

PAPER NUMBER

2618

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/518,192	Applicant(s) MONDEN ET AL.	
	Examiner Fayyaz Alam	Art Unit 2618	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 March 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 - 7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 - 7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

This action is in response to applicant's amendment/arguments filed on 3/29/2007. **This action is made FINAL.**

#### ***Response to Arguments***

Consider applicant's argument for claim 1 on page 4, the applicant asserts that the references "fall short of a telephone that switches to a mirror surface state under the key locked state". The examiner respectfully disagrees. The claimed limitation is directed to no such feature. The limitation in claim 1 states that the control unit controls the mirror state and power of display portion when in key locked state. The two features as disclosed in claim 1, controlled by the control unit, are separate and independent of each other. In other words, the key locked state does need to be set while or under mirror state and vice-a-versa as disclosed in claim 1. Therefore the rejection and combination made in claim 1 is valid.

Consider applicant's arguments for claims 4 and 5 on page 6, the applicant asserts that the indicia (15) as disclosed by Uyeno is not equivalent to the "display" disclosed in the claim limitation. The examiner stands by the interpretation of equating indicia to display since an indicia is a type of display. According to the disclosed claim "the display portion" can be anything that displays and not necessarily have to be a CRT, LCD, or a LED display.

Therefore, the examiner upholds his rejection on claims 1 - 5.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

**Claim 7** is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Consider claim 7, it is unclear to the examiner as to what the claimed limitation means starting from line 8. Applicant seems to claim to turn off the back light upon reception of an unrecognized call and turn the back light on upon an "operation for confirming", where it is unclear what this operation is, and then the back light is again turned off upon the termination of the "operation for confirming". It seems redundant and unnecessary to turn off the back light and then turn it on and then turn it off again. Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

**Claims 1 and 2** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Adachi et al. (U.S. Application # 2004/0100598)** in view of **Duffy et al. (U.S. Patent # 5,303,288)**.

Consider **claim 1**, Adachi et al. disclose a mobile telephone (read as telephone; see figure 38) comprising an image display portion (1000) (read as display portion; figure 38 and 39; [0333]), a mirror function portion (801) (read as panel) which is superposed on the image display portion (1000) (read as display portion) which selectively realizes a mirror status (read as mirror surface state; see [0340]) and an image display status (read as transparent state; see [0340]) when voltage is applied, and a mirror and display control portion (833 and 831) (read as control unit; see [0333]) for turning on and off the lighting system which is coupled to the image display portion (1000) (read as display portion; figure 38 and 39).

Adachi et al. discloses all of claim 1 but fail to disclose a key locked state.

In the related field of endeavor, Duffy et al. disclose a lock function where a keypad can be locked (read as key locked state) (see col. 4, lines 14 - 17).

Therefore it would have been obvious for a person of ordinary skill in the art to make use of this feature in order to inhibit accidental key presses and waste valuable power in a non-flip phone where the keypad is always visible.

Consider **claim 2** as applied to claim 1, Adachi et al. disclose that the device is capable of automatically switching from mirror status (read as mirror surface state;

[0341]) to image display status (read as transparent state; [0341]) when there is an incoming call (see [0341]). According to Adachi et al. the claimed invention uses same control units 833 and 831 (see figure 39) to perform this function in addition to the above stated function. To implement a secondary or a separate control unit to perform the function is not unique.

**Claim 3** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Adachi et al. (U.S. Application # 2004/0100598)** as modified by Duffy et al. (U.S. Patent # 5,303, 288) and further in view of **Nakanishi et al. (Japanese Application # 2002-374339)**.

Consider **claim 3** as applied to claim 2, Adachi et al. as modified by Duffy et al. fail to disclose a third control unit which brings the panel to the mirror surface state and turns off the power of the display portion when a response to the received call is performed.

In the related field of endeavor, Nakanishi et al. disclose a method and thereby a hardware (read as third control unit) to carry out the disclosed method that when call answer operation yields "yes" in step S24 (read as response to received call performed) the display is brought to a mirror state (read as mirror surface state) in step S42 and the power of the display is off since it is in mirror state (see fig. 4).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of invention to incorporate the teachings of Nakanishi et al. with that of Adachi et al. as modified by Duffy et al. in order to provide reduction in power consumption by the display.

**Claims 4 - 5** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Adachi et al. (U.S. Application # 2004/0100598)** as modified by **Duffy et al. (U.S. Patent # 5,303,288)** and further in view of **Uyeno et al. (U.S. Patent # 5,946,636)**.

Consider **claim 4** as applied to claim 1, Adachi et al. as modified by Duffy et al. fail to disclose that second control unit is provided for bringing the panel to the transparent state and turning on the power of the display portion when there is unrecognized call receiving history information or an unrecognized receiving mail under the key locked state.

In the related field of endeavor, Uyeno et al. disclose a microprocessor (25) (read as control unit) to turn on the indicia (15) (read as bringing panel to transparent state) when there is an unknown caller (read as unrecognized call receiving history information or an unrecognized receiving mail) (see column 3, line 45 - column 4, line 13).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of invention to incorporate the teachings of Uyeno et al. with that of Adachi et al. and Duffy et al. in order to serve as a notification to the user when an unrecognized call or mail is received.

Consider **claim 5** as applied to claim 1, Adachi et al. as modified by Duffy et al. fail to disclose that third control unit is provided for bringing the panel to the mirror surface state and turning off the power of the display portion when a recognition of the unrecognized call receiving history information or the unrecognized receiving mail is performed.

In the related field of endeavor, Uyeno et al. disclose microprocessor (25) (read as control unit) displays color code on the indicia (15) (read as bringing panel to the mirror surface state) until the user answers the phone call (read as recognition of the unrecognized call receiving history information; see column 3, line 45 - column 4, line 13).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of invention to incorporate the teachings of Uyeno et al. with that of Adachi et al. and Duffy et al. in order to serve as a notification to the user when an unrecognized call or mail is received.

**Claims 6 and 7** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Adachi (USPN 2004/010598)** in view of **Son (USPN 6,278,887)**.

Consider **claim 6**, Adachi et al. disclose a mobile telephone (read as telephone; see figure 38) comprising an image display portion (1000) (read as display portion; figure 38 and 39; [0333]), a key operating portion (see fig. 38), a mirror function portion (801) (read as panel) which is superposed on the image display portion (1000) (read as display portion) which selectively realizes a mirror status (read as mirror surface state; see [0340]) and an image display status (read as transparent state; see [0340]) when voltage is applied, and a mirror and display control portion (833 and 831) (read as control unit; see [0333]) for turning on and off the lighting system which is coupled to the image display portion (1000) (read as display portion; figure 38 and 39).

However, Adachi discloses all limitation of claim 6 but fails to disclose a control unit, which brings the panel to the transparent state when a call is detected, wherein the

control unit brings the panel from the transparent state to the mirror surface state and turns off the power of the display portion in cases that the control unit detects that an operation for responding to the received call is input to the key operating portion while the call is received and the control unit detects that a prescribed time is elapsed from a point of detecting that the call is received in a state that the operation for responding to the received call is not input to the key operating portion.

In the related field of endeavor, Son discloses turning on the backlight upon receipt of an incoming call (read as control unit, which brings the panel to the transparent state when a call is detected; col. 3, lines 5 - 17; col. 7, lines 31 - 55), wherein when the incoming call is detected and no keystroke is entered (read as operation for responding to the received call is not input to the key operation portion), then the backlight is turned off (read as turn off the power of the display portion) within a given time out period (read as prescribed time is elapsed) (see col. 7, lines 31 - 55; fig. 5).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of Adachi with the teachings of Son in order to conserve battery power.

Consider **claim 7**, Adachi et al. disclose a mobile telephone (read as telephone; see figure 38) comprising an image display portion (1000) (read as display portion; figure 38 and 39; [0333]), a key operating portion (see fig. 38), a mirror function portion (801) (read as panel) which is superposed on the image display portion (1000) (read as display portion) which selectively realizes a mirror status (read as mirror surface state;

see [0340]) and an image display status (read as transparent state; see [0340]) when voltage is applied, and a mirror and display control portion (833 and 831) (read as control unit; see [0333]) for turning on and off the lighting system (836) (read as back light portion) which is coupled to the image display portion (1000) (read as provided on a back surface side which is opposite to a display surface side of the display portion and illuminates the display portion; [0333]; figure 38 and 39).

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any response to this Office Action should be **faxed to (571) 273-8300 or mailed to:**

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**Hand-delivered responses** should be brought to

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Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Fayyaz Alam whose telephone number is (571) 270-1102. The Examiner can normally be reached on Monday-Friday from 9:30am to 7:00pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Edan Orgad can be reached on (571) 272-7884. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028.

Art Unit: 2618

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.

*Fayyaz Alam*

May 31, 2007

EDAN ORGAD  
PRIMARY PATENT EXAMINER

*Edan Orgad 6/7/07*